

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

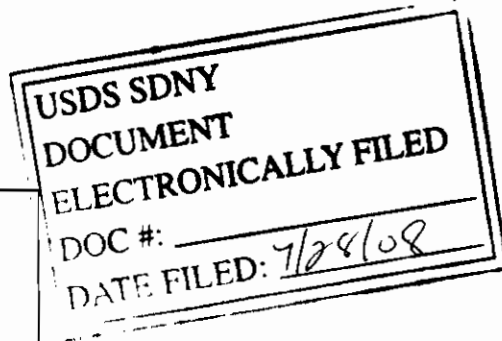
JOSHUA HOPE,

Plaintiff,

-v-

ST. MARGARET HOUSE, JOSEPH BREED,
and 1ST PRECINCT OF NEW YORK POLICE
DEPARTMENT (NYPD),

Defendants.



No. 07 Civ. 4726 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On July 23, 2008, plaintiff moved for the entry of a default judgment against defendant 1st Precinct of New York Police Department (NYPD), alleging that the defendant failed to timely answer the amended complaint in this action.

Notwithstanding the fact that plaintiff's submission failed to comply with Rule 5 and Attachment A of this Court's Individual Practices, the Court finds that New York Police Department ("NYPD"), including its precincts, is a non-suable entity, as it is an agency of the City of New York lacking independent legal existence. *See Jenkins v. City of New York*, 478 F.3d 76, 93 n.19 (2d Cir. 2007) ("The district court correctly noted that the NYPD is a non-suable agency of the City [of New York]."); *Murray v. Williams*, No. 05 Civ. 9438 (NRB), 2007 WL 430419, at *4 (S.D.N.Y. Feb. 8, 2007); *Sash v. City of New York*, No. 05 Civ. 1544 (DAB) (JCF), 2006 WL 2474874, at *4 (S.D.N.Y. Aug. 11, 2006); *Abreu v. Suffolk County Police Dept.*, No. 03 Civ. 5927 (JFB), 2007 WL 608331, at *17 n.9 (E.D.N.Y. Feb. 23, 2007); *see also* N.Y. City Charter, Chapter 17, § 396 ("[a]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the City of New York and not in that of any agency"). Indeed, the City of New York previously submitted a letter dated March 25,

2008 to the Court and counsel, advising that the NYPD is not a suable entity, and that the City would not take any action with respect to the complaint until a suable entity was properly served.

Accordingly, plaintiff's claims against the 1st Precinct of New York Police Department (NYPD) are dismissed. The Clerk of the Court is respectfully directed to terminate the motions located at document numbers 36 and 37.

SO ORDERED.

Dated: July 25, 2008
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE